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University of San Diego School of Law Student Bar Association

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the woolsack

Vol. 19, No. 9

University of San Diego — A Law Student Publication

Feb. 14, 1979

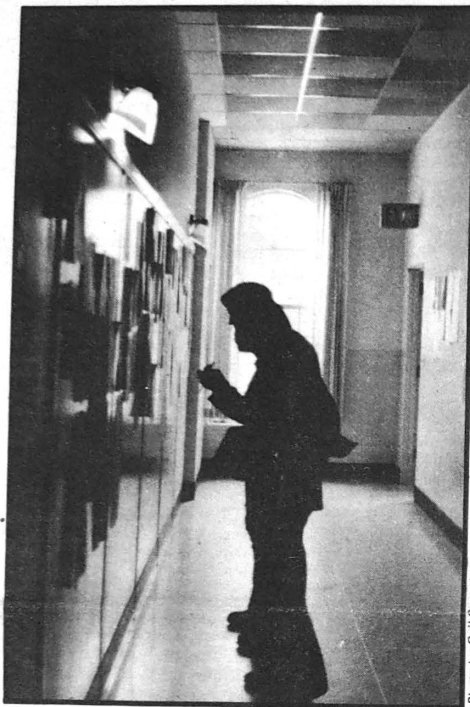


Photo by Gail Sumpter

Grading Policy Explained

About Grades?

it is "normally expected that the average grade in each course will fall within that range."

Upperclass grades are A (86-100%, 6-9%; B (78-85), 30-33%; C (70-77), 48-51%; D (60-69), 10-12%; F (0-59) 1%.

A professor may deviate from this range and faculty members are given a good deal of leeway in cases where he or she feels that they have had an exceptionally bright class or an unusually bad group of students.

"Explain Your Answer"

To go outside the 73-77 range by even a point it is required that the professor file a statement with Dean Lazerow explaining the grounds for his variation from the scale.

Lazerow noted that although he does review such statements he has no authority to alter a professor's distribution. It is the school's policy that faculty members have the final say in grading their class.

However, if a professor consistently varies from the range the professor will be called in to discuss the matter. All grades are screened by the Records Office to ascertain whether a professor has stayed within the prescribed range.

Professorial Discretion

According to Lazerow, such written explanations present no undue burden to a professor desiring to go outside the range.

If there is any comfort that a student may derive, it's that the scale operates both ways. Any extra burden created by these statements in the rush to get grades out would hamper a professor in giving particularly low grades as well as high.

Lazerow noted that the present scale operates to disadvantage U.S.D. graduates in two respects. The first concerns the tendency of other law schools, particularly state schools, in consistently giving out higher grades.

Some employers concentrate on G.P.A. rather than class ranking.

"Average Students"

The second is that the majority of our students are being labelled "average" by the grading scale. "The fact is our students have proven that they are above average both in their undergraduate work and scores."

Lazerow felt that the present

range may be creating psychological as well as employment problems. Many students have voiced disapproval at having to explain to prospective employers that a C average at U.S.D. means more than it does at other law schools. Lazerow responded positively to the suggestion that the grading scale be raised.

Bureaucratic Requirements

In order to alter the range, a proposal would have to be made to the Academic Rules Committee. The committee would then review the plan and make its recommendations to faculty. This proposal would be submitted to a faculty vote for approval.

The ultimate responsibility for altering the grading range lies with the faculty. Deans Lazerow and Hain both seemed to agree that the biggest obstacle to effecting any type of change was trying to obtain a consensus of the faculty on any one system.

One of Lazerow's suggestions was to create a system in which 90-100 A, 80-89 B, 70-79 C, below a 70 would be failing. In order to graduate a student would have to maintain an 80 average grade.

One of the arguments for not increasing the range is that recent statistics show a correlation between the Bar passage rate and G.P.A. If the grading range were raised it would allow students who would ordinarily drop out or fail to remain in school only to end up repeating the Bar unsuccessfully.

Presently the lower 10% of the class which ranges in G.P.A. from 70-72.5 have only a 30% passage rate.

Just how large a role the grade scale plays in affecting a graduate's job prospects is not clear. But given the ever tightening job market in California and the rest of the nation should students be asked to bear this risk?



Photo by Spencer Busby

Dean Herb Lazerow

Highly Specific

The legality of growing your own is the subject of some interesting developments in Humboldt County.

The *San Francisco Chronicle* reported last week that a county deputy District Attorney there said that a recent ruling handed down by Superior Court Judge Charles Thomas — allowing a defense expert to testify that a species of marijuana grown in the county, *Cannabis indica*, was not covered under the state's "one species" law, which prohibits the cultivation of *Cannabis sativa* L. — would mean, if upheld by higher courts, that growing the *indica* species was legal in Humboldt County.

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the woolsack

University of San Diego
School of Law
San Diego, Calif. 92110

By Rodney Campbell

Faculty Disagreement

If you are like most students you have probably given your share of thoughts to the "grading scale" used at U.S.D.

The "grading scale" or "grading normalization" as it is commonly referred to in office memorandums is officially set between 73.0-77.0. Which simply means that for any given course the average grade must fall somewhere between these figures.

According to Dean Lazerow, the present range was established by conducting a study in 1973 of the two previous years and ascertaining the average grade achieved by those students. The 73-77 range was not set up to enhance the school's reputation in any way; rather, it was considered one of the few rational systems that the faculty could agree upon.

Lazerow stated that most law schools throughout the country

The 73-77 range . . . was considered one of the few rational systems the faculty could agree on.

Grading Uniformity Goal

Instituted in 1973 the system was set up in response to the faculty's concern over the need for some type of grading uniformity. The idea being that such a scale would encourage students to enroll in a particular course for its academic value rather than the fact that the professor gave high grades.

The scale would also eliminate punishing students who consistently took courses from professors which gave lower than normal grades. Under this "normalization" system professors would be giving roughly the same range of grades.

maintain some type of grading scale, but without any one system applied uniformly.

In California each law school seems to have established a unique system. For example Hastings' uses a system in which a range is suggested for first year students, a slightly higher one for second year and finally no range is required for third year.

"Be Normal"

How the grading scale is implemented was explained along these lines. At least twice a semester a memorandum is circulated to the faculty stating what the grade range is and that

EDITORIAL

ABOLISH COURSE REQUIREMENTS

The term "course requirements" often evokes a less than enthusiastic reaction among USD students. After all, how much responsibility can we accept for contributing to the ever-over-flowing enrollment in Property, Contracts, Tax, etc.? Not much.

Nonetheless, Dean Weckstein stated in an interview with the Woolsack last month that "The only criticism now from students is that we don't have enough required courses."

A sampling of student and faculty opinion regarding course requirements revealed much the opposite, however.

Although some students favor abolishing all but first year courses and a still smaller minority favor maintaining the present structure of requirements, a sizeable majority favor abolishing all courses. In fact, the Woolsack was hard-pressed to find any student who actually wanted more requirements.

In light of the faculty's action last semester in derequiring Corporations, it is time to evaluate the policy of having any requirements at all. We believe the time has come to abolish all requirements. An analysis of proposed justifications reveals why.

Those students and faculty who favor maintaining the present structure of required classes usually justify it on the ground that students should be required to take Bar Exam courses.

But is preparation for the Bar Exam a valid justification for inflicting certain required courses on all law students?

We think not. Some students never intend to take the Bar Exam and become practicing attorneys. These students are already involved in a career which they want to develop through an advanced legal education. Mandatory "Bar" subjects are not ipso facto beneficial to all these students.

Furthermore, the majority of students who do plan to take the Bar Exam do not need to be coerced into taking preparatory classes. Such students often find themselves not so mysteriously enrolled in elective "Bar" courses such as Trusts and Estates, Agency and Partnerships, etc., anyway.

So why require Tax and not Trusts and Estates and A&P? Dean Weckstein resists the notion of derequiring Tax and other courses on the grounds that students will avoid taking a "difficult" course that they may not be particularly interested in. Essentially he favors continuation of the present requirement system because he feels requirements are good for us. (En loco parentis philosophy.)

What he forgets is that a student resistant to learning a required course will indeed not learn very much. Certainly, a student will benefit much more from electing a course he is genuinely interested in learning than from being required to take a course in which he allocates afternoon TM and daydreaming.

Those who favor first-year requirements only (such a system is now in effect at Case Western and other law schools across the country), are quick to point out the advantages of "keeping the first year class together."

"Common requirements, especially in the first year, promote group cohesiveness," they say. "Students confronted with the same courses, same problems, and same first year anxieties will blend together under a 'one for all, all for one' or 'misery loves company' doctrine, which will carry them blissfully through the remainder of their academic career."

Without necessarily belittling the advantages of promoting first year class social solidarity, the Woolsack believes the emphasis on promoting individual student responsibility in course selection outweighs the need for first year fraternities.

Anyone who can afford the \$3400-plus in annual tuition that it costs to go to USD Law School (or can swing the necessary scholarship and/or loans) is intelligent enough to figure out how that money should be spent in course selections to best promote his/her career. A student who has progressed through approximately 16 years of "formal" education and 21 years of "practical" education should have the opportunity to personally direct his/her entire legal education.

A superior alternative to the present requirements system is to derequire all classes and institute a comprehensive advisory system, along with the option of electing the original requirement structure.

In addition, a substantial improvement in the present faculty advising system is essential if students are to receive the necessary guidance in course selections. The informal system would obviously be more flexible and allow students to set their own pace much earlier in their legal education. This system would also give law students more of an opportunity to elect certain classes and professors they feel will be more beneficial to their personal career goals.

If present subjects were derequired, chaos would not inevitably result. An informal requirement system would take their place. Between the omnipresent pressures of the Bar Exam and

prerequisites to upper level courses, an informal system would evolve to prepare students as effectively as the present system.

Students would learn to depend more on their faculty advisors as well as the student grapevine for information on course selection. Student evaluations of professors would also assume a renewed importance, and should be published for students as a further course selection aid.

Dean Weckstein and others have stated that the recent criticism from law students is that "We don't have enough required classes." We believe that what underlies that criticism is the lack of a comprehensive and accessible guidance program.

What USD law students need is not more required courses but more information: information as to what is necessary and what will be valuable to each student's individual goals. With this information a law student could make an educated choice in planning his education, not an educated guess.

LETTERS

About Corporations

Dear President Hughes:

I have just learned that the Law School has ceased to require the course in Corporations as part of the mandatory curriculum. This development disturbs me greatly.

From my experiences since graduating from the Law School, both as a Securities Fellow at New York University School of Law and as an associate attorney at a prestigious New York law firm, I can personally attest to the importance of maintaining a traditional core curriculum for any law school that seeks recognition as a source of trained talent for significant law firms. To even question the need for required training in the area of Corporations is to reveal an abysmally provincial ignorance of the realities of established law practice.

It is not satisfactory to assert that the bar examination will provide a sufficient incentive to the majority of students to elect the course in any event. No matter how many may in fact display the good sense to take Corporations, that is not the issue. Rather, the issue is the quality of legal education at the Law School as it is perceived by the established bar.

The Law School has, in recent years, made great strides in its placement efforts with major national law firms (and the Federal Government as well) in large part because of the comprehensive and traditional nature of its required curriculum. These firms include: Fulbright & Jaworski, Houston; O'Melveny & Myers; Gibson, Dunn & Crutcher; Loeb & Loeb; and Buchalter, Nemer, Fields & Chrystie, Los Angeles; Hunton & Williams, Richmond; Baker & Botts, Washington, D. C.; Friedman & Koven, Chicago; Bronson, Bronson & McKinnon, San Francisco; Gray, Cary, Ames & Frye; Sullivan, Jones & Archer; and Luce, Forward, Hamilton & Scripps, San Diego; Ireland, Stapleton & Pryor,

Denver; and Olwine, Connely, Chase, O'Donnell & Weyher, New York City.

Frankly, Dr. Hughes, I seek to prevent the erosion of the budding reputation enjoyed by the University of San Diego School of Law that will surely follow from this devaluation. Schools of more established reputation can risk such experimentation with curricula and other purportedly innovative programs with little apparent jeopardy. USD cannot.

It would be more than a mere personal embarrassment to allow this situation to go unreviewed. Because it involves a meaningful devaluation of the law degree possessed by every USD graduate, I must, in the strongest terms possible, urge you to request the Law School to reconsider this matter and restore Corporations to the required curriculum forthwith.

I do not wish to appear rhetorical, but it seems high-handed of the Law School administration and faculty to take such serious action without seeking alumni counsel. I understand that, not surprisingly the decision to de-require Corporations was made without meaningful presentation and deliberation. For the future, I would suggest that any changes in the required curriculum be made only upon no less than one semester's notice to all interested parties in order to avoid this type of precipitous and ill-considered action in response to pressures of the moment.

As we discussed at the gathering hosted by Mr. Millimet in your honor here in New York last year, the University of San Diego School of Law stands on the threshold of national recognition. This sort of irresponsible tinkering with our successful formula will impede that recognition, and must not be countenanced.

Barry J. Quinn

Class Schedules

I doubt that I am one of the only students who has recently wondered what purpose the class schedule is supposed to perform. My observation stems from the typical first day class discussion between professor and students who immediately attempt to modify the schedule. Generally the motivation for the proposed changes is to eliminate Friday classes.

Continued on page 4

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The Woolsack is published bi-weekly on Fridays, except during vacation and exam periods. Because of space limitations and because the Woolsack strives for factually accurate copy, all contributions are subject to editorial review and possible abridgement, although every effort is made to maintain a writer's original style.

The objective of this paper is to inform the law students of USD, and the San Diego legal community — our two primary sources of funding — on pertinent, timely, and provocative legal issues and events.

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What Can You Do With a Drunken Client?

by Jim Poole

Given a choice, most attorneys would prefer not to deal with drunk or alcoholic clients, but many in private practice will not enjoy the luxury of such options. The best of clients may call late at night for assistance after an arrest for drunk driving, and those involved with criminal law can expect frequent contact with people whose drinking causes problems.

ALCOHOL, ACCIDENTS AND CRIME

Alcohol abuse is often involved in accidents of all types, as well as a primary element of drunk driving, states HEW's "Third Special Report to Congress on Alcohol and Health." Half of all traffic fatalities and a third of all traffic injuries are alcohol-related, as are 40% of fatal industrial accidents, 69% of drownings, 83% of fire deaths and 70% of fatal falls.

While statistics on the role of alcohol in crime are limited, studies show high correlations with robbery, rape, assault and homicide.

Drinking is also involved in many cases of suicide and family abuse. National Council on Alcoholism data indicate that in San Diego County, 42% of all felony/misdemeanor arrests in 1975 were alcohol-related.

What does this mean to attorneys? Obviously, someone must prosecute and defend the accused in criminal cases, and represent parties in civil suits which establish liability and damages. San Diego Municipal Court Judge J. Robert O'Connor says, "Violent behavior associated with alcohol abuse accounts for the vast majority of all cases coming before a busy trial judge." In criminal cases, intoxication may raise an insanity defense of the question of intent.

DWI? "GET HIM OFF" FIRST

Drunk driving, accepted by many as a normal life risk and regarded as only technically a crime, nevertheless accounts for tremendous death and destruction on the nation's highways. Faced with government imperatives to "get tough," many arrested for DWI need effective counsel to minimize the event's impact on their lives.

DWI cases are abundant enough that the San Diego Trial Lawyers' Association presents an annual "Drunk Driving Seminar" — on how to help such clients, not "how to do it!"

In the 1978 seminar, Mr. Ramon Castro (Sheela, Lightner & Castro) pointed out that the attorney's obligations to his client extend beyond the courthouse. If an alcohol-related arrest indicates a developing or chronic drinking problem,

referral to educational or rehabilitation programs may be in the best interests of both attorney and client.

ALCOHOL EDUCATION/REHABILITATION

Once an attorney perceives that his client needs help, the biggest hurdle is convincing the troubled person of this situation and obtaining his cooperation. A competent attorney advising a client in a DWI or alcohol-related criminal case should point out potential advantages to the client who can inform and/or reform himself before appearing for trial or sentencing.

Both prosecuting attorneys and judges may be more lenient with the accused who has seen the error of his ways and begun corrective action. Drunk driving charges may be reduced to offenses less damaging personally and financially, while a portion of the sentence may be suspended with education/rehabilitation activities a condition of probation.

As education and therapy have gained popularity over punishment for alcohol-related offenses, various treatment facilities and judges have developed diverse approaches to the problem. San Diego County offers myriad programs sponsored by government, private clinics and non-profit organizations, ranging from factual courses on "drinking and driving" to closely-supervised detoxification and rehabilitation. Alcoholics Anonymous is the oldest and best known "self help" group. By helping a client to choose a program which meets his needs, the attorney may save him money, time, or literally his life. In addition to personal satisfaction, the lawyer stands to gain a long-term client and future referrals.

San Diego County offices of the National Council on Alcoholism offer a helpful program known as Pre-Sentence Investigation and Evaluation (PSIE), to which defendants may be referred by courts, attorneys or probation officers.

"With screening, evaluation and monitoring of the alcohol offender in the hands of PSIE professionals," says NCA Executive Director Sandra Andrews, "the defendant can be involved in the best possible education/treatment to suit his needs, relieving courts, attorneys and probation officers of these pressures." (NCA's PSIE program was featured in the Oct. '76 DICTA).

The local NCA office, located in the Maryland Hotel, offers a reference library and current information on available resources, including extensive Navy programs for service personnel.



"I feel that I must warn you, counselor, that you are perilously close to a contempt-of-court citation."

WHAT IS ALCOHOLISM?

Alcoholism is increasingly regarded as a disease by medical authorities, but many definitions are offered by the "experts." A more practical approach, says San Diego attorney Robert Beard, is to recognize that "when drinking causes a problem in any area of life, it is a problem." Although for many alcoholism has a "Skid row" image, Beard noted at a Jan. 27 meeting of a State Bar Association Committee on Disabilities (Substance Abuse) that even attorneys are not immune.

"While statistically about one in ten social drinkers will become alcoholics, for attorneys and other professionals the ratio is one in seven," he said.

In addition to greater vulnerability to drinking problems, professionals suffer disproportionate effects when stricken, due to the nature of their employment and relationships with clients. For attorneys unable to cope with alcoholism, discipline by state bar associations may extend to disbarment. Unfortunately, few efforts have been made to communicate the nature of these problems to students in graduate and professional schools. Until recently even medical school curricula neglected the area of alcohol and drug abuse.

SAN DIEGO BAR COURSES

Beyond DWI Seminars and the Alcohol Studies courses offered by UCSD Extension, few formal programs have been available locally to inform attor-

neys of how to deal with alcohol problems in others or themselves.

This spring, however, the San Diego County Bar Association plans to move beyond the cocktail bar to help members increase their awareness of the interrelation of stress, alcohol and drugs.

Dennis Avery, Assistant Dean at Cal Western Law School, reports that preventive awareness rather than remedies when in distress will be emphasized. Particularly for attorneys, said Avery, "it's important to approach alcohol problems on a professional level, using the

Tale of Accidents

An invisible car came out of nowhere, struck my car and vanished.

That, says the Metropolitan Life Insurance Co., tops its lists of most unusual reasons given for accidents by claimants under the company's auto insurance policies.

Among other lusus received by the Metropolitan:

"The other car collided with mine without warning me of its intention."

"I had been driving my car for 40 years when I fell asleep at the wheel and had the accident."

"As I reached an intersection, a hedge sprang up obscuring my vision."

"I pulled away from the side of the road, glanced at my mother-in-law and headed over the embankment."

"The pedestrian had no idea which direction to go, so I ran over him."

"The telephone pole was approaching fast. I attempted to swerve out of its path when it struck my front end."

"The guy was all over the road. I had to swerve a number of times before I hit him."

"The indirect cause of this accident was a little guy in a small car with a big mouth."

many practitioners in this area who are capable of handling them effectively."

A series of four seminars is planned, to be presented in a downtown auditorium at noon. All sessions are to be FREE and open to the public. The Woolfack will publish detailed information when available.

USD law student Jim Poole has been involved in Navy alcoholism education and counseling activities for the past several years, and served as a facilitator for Navy Alcohol Safety Action Project classes.

—Ed.

SBA ELECTIONS

Those running for S.B.A. office for the spring term have been listed as follows:

President

Michael S. Meyers
Randy Skeen
Lise Young
David Rosenberg

Scott Endsley
Bill Weinstein
Troy Smith
Gene Erbin

Day Vice President

Didi Raab
Jeff Gertler
Jennifer Fehlman

Rick Di Napoli
Pat Ryan
Steve Chaffin

Ardie Boyer

Night Vice President

Jim Scott
Secretary
Martha Woodworth
Toni Raykovich
Margie Woods

Kelly Dowling
Kate Killen
Pete Gyeen

Treasurer

Charlie Hogueist
Jose Guerrero

Mark Anthony
Bill Wright

There are also five candidates for Honor Court Counsel and twenty-five for Honor Court Justice. What should be done about the four dollar CalPRIG fee paid by students at registration is the only issue on the ballot. Voting takes place on February 12, 13, 14.

Girl Marries Girl, Then Divorces

A 17-year-old girl has filed suit for annulment of her four-month old marriage because her 19-year-old husband turned out to be a woman.

A Chancery Court suit charges that the girl was deceived and asks that the marriage be voided because "the parties have entered into a homosexual marriage, such a marriage being immoral" under Tennessee law.

A Memphis minister who counseled the couple before marrying them in an elaborate church ceremony last year said the discovery came as a complete shock to the girl, church members and himself.

"I'm a certified sex therapist," said the minister, who asked that his name be withheld. "I'm not that easily fooled. But he said the groom looked and acted like a man."

It was not until after the couple left for a new home in Atlanta that the minister began to hear rumors about the groom.

Later, the girl said her spouse had told her that he was deformed because of a football injury and refused to undress in front of her, the minister said.

The Legal Gourmet

Amy Wrobel

Scenario: You've just hit school after a hard day surfing or clerking and you're *hungry*. Time is short; you don't want to starve through class. Luckily (or not) the food fairy has provided for you supplying vending machines.

Law school vending machines are of two types: The sound effects model and the little windows model. The contents are uniformly drab and *always* cold.

The sound effects model should be avoided by those who, for whatever reason, do not want the world to know they patronize food machines. Once you're committed to Pretzel nuggets, these mechanical wonders announce the fact with a loud, long

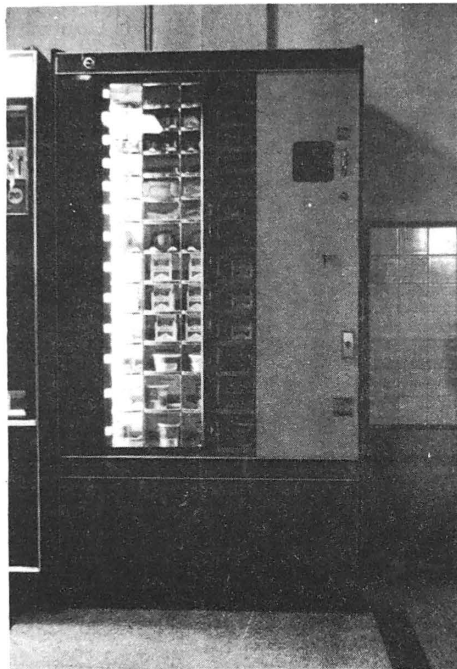


Photo by Gail Sumpter

beep. Often the paid-for food gets stuck in transit, leaving the patron to peer wistfully at suspended potato chips or juicy fruit. The intrepid or angry consumer usually attempts to retrieve his purchase by tilting, banging or kicking the vendor. Unwise. Since this machines hold all of seven dollar's worth of change and tokens, they have been equipped with strident alarm systems. The tilter's actions may result in an impromptu fire drill. Some people may not be appreciative.

The little windows model is also fraught with peril. In these machines, the contents revolve for inspection by the hungry and helpless. At vending machine conventions this device is no doubt described as a "twirling tray of tempting tidbits." Unfortunately, the tray balks as often as it twirls. A lot of what's on sale is semi-solid and nutritious: yogurt, cottage cheese. Sadly, the agents of the food fairy often forget to supply the requisite spoons. Don't they realize that apricot-pineapple yogurt is not finger food? According to reliable informants, one can circumvent this problem by scooping with the lid if one doesn't mind paper cuts.

Of course the major flaw in the vending machine schema is the quality of the "food." I strongly suggest immediate appointment of the Pillsbury Doughboy as culinary adviser. Everything is cold and some of it is old. Avoid selecting items you saw at the beginning of the semester: starvation is preferable to a superannuated Baby Ruth. The writer cannot comment on the sandwiches, being constitutionally unable to force herself to sample an egg salad made by unknowns. It looks too handmade, so much for investigative journalism.

Prices tend to be exorbitant. The best value for money seems to be your chips, at a quarter a bag. Of course their nutritive value is debatable. Nothing in nature is the color of a Frito, including corn. Also they are hard to eat with subtlety. The worst buy would appear to be the sandwiches at 60 cents Heavy on Wonder Bread and light on filling. (This conclusion is based solely on visual inspection. Defenders of the meatloaf on white are invited to write in.) The best choice, with only a 20% markup, is a Youthful candy bar. If you can get one. Reconnoitering the vending machine persons' visits is essential to making an informed decision. Moreover, candy bars can be eaten quietly and are easily shared.

Obviously the best solution to legal malnutrition is bringing your own food. At least you know who handled it and what its components are. The latter is especially true of "coffee". You're sure its only Folger's Crystals if you made it. The reward for relying on that cheery plastic machine is usually lukewarm brown water with a dollop of "chicken soup" or "hot chocolate" as a surprise bonus. Hopefully there's an unknown, unsung genius somewhere perfecting portable quiche at fifteen cents a hit....

Letters (cont) . . .

Continued from page 2

This comment is not meant to suggest that I do not appreciate the freedom from Friday classes. If I could have selected the courses I needed and arranged them without conflict as well as eliminated Friday classes, I would have been more than willing. It does make it easier to get, keep and work at an outside job if one has an entire free day.

But it seems somewhat ridiculous to waste so much class time trying to coordinate 50 different student schedules in order to modify a schedule which obviously shouldn't have been so structured initially.

There is merit to the contention that Friday classes are academically unsound in light of the attendance records at these classes. However, the desperate suggestion of doubling up class hours consecutively seems just as academically unsound.

If everyone feels compelled to disregard the established

schedule it suggests that some improvement is needed in the planning of the class schedule.

Didi Raab

Candidate Blasted

To the Editor:

I was shocked and outraged to see the posters some girl is using to sell herself in the upcoming S.B.A. elections. This sort of thing belongs to a much older profession.

Every female who has encouraged men to treat her as a sex object has sanctioned every act and assault directed at all women.

Every man that is allowed to treat her with that attitude will continue to treat me that way.

I urge all responsible women who respect themselves and their sisters to vote against

someone with such a low self image. It will only bring you down too!

Marian Forney

Shortly after I wrote the above letter I noticed this statement in place of the centerfolds on the offensive posters. I continue to urge people to vote responsibly and maturely.

M. Forney Assit. Ed.

I have talked with many people since I first put up the centerfolds and I wish to make clear that my only intention in using them was as a humorous way to draw attention. I am sorry if I gave anyone a different impression.

Respectfully,
Martha C. Woodworth

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Alex Landon: Attorney Behind The County Jail Suit

by Marty Steele

Getting to talk to attorney Alex Landon for any length of time isn't easy. To say he is very busy would be an understatement. "Insane" is the way he put it. I finally got to talk with Alex late on Wednesday afternoon in his office on the top floor of the Gaslamp Plaza Building in downtown San Diego.

Attorney Landon, a USD Law School graduate, is well known for his work in the criminal justice system here in San Diego. He has formerly headed both the Jail Subcommittee of the County Bar and the Criminal Justice Committee. He is presently one of the top candidates for Director of Defenders, Inc.

One of the reasons Alex Landon is especially busy these days is the unique suit he is bringing to San Diego County Superior Court in March.

Attorney Landon has filed a class action complaint for declaratory and injunctive relief on behalf of all pre-trial and sentenced male inmates in the San Diego County Jail.

Women prisoners are not named because except for a brief booking period they now all reside at Las Colinas Correction Center.

The suit is in response to long alleged substandard conditions and policies at the County Jail.

The suit was originally filed in 1975 and will hopefully be heard in court in March, 1979. The workload has been especially heavy for Landon because he is primarily a criminal lawyer and in this civil rights action he is working with procedures he is not familiar with. He has also had to work extensively in trying to round up additional legal help for the suit, since the legal staff is working on the case pro bono. In addition to the American Civil Liberties Union (ACLU) which has picked up the costs of the suit, ACLU staff attorney Terry Smierling, and attorneys Nelson Braun and Mel Farr have donated services. The San Diego law firm of Sullivan, Jones and Archer has provided attorneys Jeanine Kirper, Charlie Wake, Matt Steinberg and paralegal Sharon Cheevers. Attorney Landon was quick to point out that any additional offers of legal aid wouldn't be turned away.

The suit names as defendants the Sheriff of San Diego County, John Duffy; the inspector of the jail, Clifford Powell; the jail captain, Melvin Nichols; a watch commander; the Sheriff's Deputies; the jail doctor; a nurse;

each member of the County Board of Supervisors; and the County of San Diego.

Some of the principle charges being leveled against the jail are:

— The defendants deny the inmates adequate contact with the general public by; opening and censoring mail to and from attorneys and others; denying

any delays between the time a person is released on his own recognizance, posts his bail, is dismissed or acquitted and the time the person is actually released.

The complaint claims that frequently it takes 16-24 hours from the time the person should be released and the time they actually leave the jail.



Photo by Gail Sumpter

Alex Landon

privacy during visits by surveillance of visits; denying access to phones, and denying prisoners literary communication from the outside such as books, newspapers and magazines.

— The inmates are denied adequate physical exercise; the California Administrative Code requires outside exercise three hours three times a week and it is alleged that there have been periods as high as four weeks in which certain cells have been denied this exercise.

— During searches of the cells, inmates' property is scattered, broken or confiscated.

— Obvious overcrowding, which has been admitted by the Sheriff's Dept.; the capacity of the jail is 813 prisoners while the daily average is actually 1300-1400 prisoners. The overcrowding creates a drain on equipment and a lack of privacy; frequently prisoners have to sleep on floors and tables.

— Numerous medical complaints; the jail doctor is primarily there for sick call for only ½ an hour to an hour in the morning then again in the late afternoon, the rest of the time the nurses are in control and many times the sheriff's deputies have to make medical decisions.

Lack of disciplinary due process.

Mistreatment of prisoners. An amended complaint was recently filed alleging unness-

Various sections of the U.S. and California Constitutions are being used as the basis for relief. Primarily 15 Cal. Adm. Code 1000, et. seq., which sets minimum standards for correction facilities, and 42 U.S.C. 1983, a civil rights statute are being relied on. The problem with these statutes says attorney Landon "is that they have no teeth...they have no ability to enforce any findings. They simply set standards for local detention facilities."

Landon hopes to "convince the court to look at Title 15 as a guide and then base decisions on whether something is unconstitutional, like cruel or unusual punishment, by saying this jail doesn't even meet the minimum standards as cited by Title 15."

What is Alex Landon trying to accomplish in bringing this action for declaratory and injunctive relief? Obviously he hopes a positive court order will inspire the Board of Supervisors to appropriate money to improve conditions at the County Jail. But there are solid obstacles to overcome in getting hard cash allotted for jail improvements. These are the economic attitudes of both the Sheriff's department and the general public. The County Jail is only one of the responsibilities of the Sheriff's dept. The general attitude seems to give

the jail the status of "low man on the totem pole as far as funds go." The average taxpayer doesn't want his tax dollars being used to benefit prisoners who are in the County Jail, since the reason they are there is due to anti-social behavior.

Another attitude to overcome Landon says, is "Some people believe that there is a good side to the bad conditions in jails in that someone put into the horrible situations in these jails will not do anything again that will get them put back in."

But in fact "the system tends to dehumanize and makes people more callous, it cuts deep and leaves scars and it ends up being worse for society in the long run...if they were treated more humanely it would be healthier both for the inmates and society".

But cash isn't necessarily all Alex Landon is trying to get for the jail. He says that some things can be handled with "new procedures and different policies".

One problem is that "the Sheriff sends people to the jail right out of the Sheriff's Academy...they need more training...The court could order the Sheriff's dept. to use more seasoned deputies at the jail."

The overcrowding could be rectified by the court ordering the jail not to receive more prisoners after the 813 capacity is filled. Also either more money, or shifting a deputy from the field to the jail to supervise exercise time might alleviate that problem.

The Sheriff's dept., according to Landon, has been very receptive to the suit. "Many deputies are very much in favor of the suit. They feel the pinch of being understaffed. There are a lot of things they would like to do, but can't under the present situation...They say that things we're suggesting in this suit have been put to the Board before and have been turned down."

First Class Action

This is the first time a full class action of this magnitude has been filed in San Diego County. Attorney Landon brought a law library suit against the County Jail in 1974 and won. There is also an attempted limited class action suit on 4 counts by a group of 4 inmates being handled by Federal Defenders, however; this is the first large mass condition suit in San Diego County.

Similar actions have been brought with some success in Los Angeles, Orange County, and in the Hall of Justice suit (against the old city jail in Los Angeles which housed high security inmates).

More frequently suits of this kind are brought against prisons but recently there has been more willingness to bring them against County and City Jails.

Landon says the reason for the growing number of these suits is that "this type of action in the last 5 years has become more and more interesting to civil rights groups because they now recognize the extremely serious problems that exist in these institutions and that they ought to be dealing with them".

In this case the time and effort Alex Landon has contributed has all been pro bono. The time he spends on the jail suit is time away from his private practice. But Landon shrugged off questions about how the suit affects him financially. He feels strongly that there were other things involved in the practice of law besides money. "It's one of those types of things, I've always involved a great deal of my time in various pro bono type activities...that's my commitment to law, that's why I became a lawyer...Certain issues I'm interested in and I'm going to deal with them, whether I get paid for them or not...sure it takes a great deal of time but that's what needs to be done and someone has to take responsibility for it or it doesn't get done."

From the look at the pace being set on the 11th floor of the Gaslamp Plaza Building something is getting done. Efforts in the past appear to have been unsuccessful in trying to remedy the problems at the San Diego County Jail. Alex Landon feels this suit will have more success. He feels "this kind of suit is essential as a vehicle to organize in a constructive way to attack the problem". The answer to whether the suit will be effective in alleviating some of the problems at the County Jail will soon be up to the courts.

Marty Steele is a first year evening student and new addition to the Woolsack writing staff. —Ed.

How To Be The Oldest Kid In Your Law School Class

Reprinted from Ms. Magazine.

Carol E. Rinzler, formerly a magazine and book editor, is a student at the Yale Law School.

Imagine what it is like to leave your job, bid farewell to all your friends and, at the age of 35, enter law school. Now imagine what it is like to go to parties over the Christmas holidays, at which are gathered those friends, none of whom have seen you since you took the veil. What happened was, after three parties, I got so sick of hearing myself talk, I decided not to return until I printed up The Eight Most Frequently Asked Questions About Law School.

1— What's it like to go back to school after 15 years? Go back is maybe not the right phrase. College for me was a pleasant interlude between high school and marriage; now and again I wrote a paper; for finals I had a terrific No-Doz connection. Therefore, the real question is: what is it like to study for the first time in your life? The short answer is: grueling. Most disconcerting is that there is no end product. After working 18 hours, all you have is a stuffed head. (After a while, in fact, you have the distinct feeling that there isn't any more room left, that you will have to start jettisoning song lyrics or early childhood memories to make space.)

2— Does being around all those kids make you feel old? Granted it is odd to be surrounded by people who tell you that their first memory is of Kennedy's assassination, or who think you mis-spoke yourself when you mention Senator Joseph McCarthy, and it did give me pause when, on the first day of school I met a classmate who was wearing a T-shirt identical to one owned by my nine-year-old daughter. Still, it was not wholly with horror that I realized there were those among the first year students of the male persuasion who regarded me a fascinating older woman.

3. What's it like to get called on? Awful. Even though the professors do not laugh and point at you when you make a mistake.

4. Is it hard? Ohmygodd. For the first day of classes, the combined assigned reading for my four courses totaled 70 pages. Ho, said I, tripping gaily off to buy my textbooks, a veritable piece of cake for someone who in her former life had torn through 400 page manuscripts in an evening. Twelve hours later I had finished 40 pages, and if you had asked me to explain what I had read, I would have burst into tears. For the first several weeks, I was convinced there had been a summer orientation session to which they did not invite me.

There are, I suspect, two major reasons for the diffi-

culty. First, law English is about as close to the Queen's English as perhaps French is. There are scores of words you don't know at all, hundreds that mean something entirely different from what they mean in English (and that usually also mean one thing in one context and another in another.)

The second is the way they teach it. Ever the naive, I had thought that teaching would be along the lines of: "Hi, there, I'm your friendly Torts professor and welcome to Torts. Torts were invented in 1564 by Sir Henry Tor..." Unfortunately, that is not how they teach it to you. How they teach it to you is, they dump you down in the middle of it, wait until you have a glimmering of your bearings, and then parachute you into the middle of China with four Hershey Bars and a small phrase book.

5. But wasn't everybody else in the same boat? Well, yes and no. First of all, there was that hateful 10 percent who seemed to know what was going on from the first day. Then there was the terrible sinkin sensation you felt when you saw the bulb light up over the head of someone you had counted among your fellow dull-normals.

But the experience was not without its merit. After months of walking out of classes in a mental condition that can be described only as "Huh, what?" I developed, at the age of 36, true intellectual humility.

6 — What did you miss? Sleeping till eight on Saturday mornings, seeing my friends, seeing my kids (they did fair to become the only children in America who had to be dragged screaming to McDonald's). However, it was marvelous to have the world's best excuse for not having to read anything — book, magazine, or newspaper. I mentioned this to a lawyer friend as one of the benefits of going to law school. "It's even better than that," he said. "If you're a lawyer, you never have to read any of that again."

7 — Are you glad that you did it? Unqualifiedly, yes. In fact, every intelligent person should spend at least a term in law school. I think I think a lot better than I did when I went in. Learning to "think like a lawyer," means learning to go straight to the heart of a matter, while simultaneously seeing 50 possible issues on both sides. It's sort of like sending your mind to the gym.

8 — Do you love it? At first, I thought that was like asking an eight-month-old baby who keeps falling down and getting bruised and bloody whether she loves learning to walk, and that maybe "enjoy" was more like it, or "find gratifying." But now that I've made it across the room a few times, I guess you could say that I do.

Calendar: FEBRUARY 14 — 24

By Vicki Hirsch

13 USING THE EVIDENCE CODE. & Videotape presented by CEB. 6-8 20 p.m. both nights in Pioneer Room, San Diego County Law Library. Enrollment fee \$28.

14 FREEBIE AND THE BEAN Film Forum in Camino Theater, USD at 7:30 p.m.

15 SOUTHERN CALIFORNIA MOOT Court Competition. Problems available at noon and 5:30 p.m. in Room 2A.

FINANCING OF STATE AND LOCAL GOVERNMENTS: How much and what kind of taxes are needed? Panel will speak in USD's Desalles Hall, 8 p.m. No fee.

DIVIDING PROPERTY ON DISSOLUTION OF MARRIAGE. Seminar presented by CEB. 6-9 p.m. in

Garden Ballroom, Town and Country Hotel and Convention Center. Enrollment fee \$40.

19 PAD MEMBERSHIP DRIVE. Free to coffee 7:30-9:30 a.m. Wine and 23 cheese party, 4:30 p.m. Outside PAD office, downstairs Law School.

21 AND NOW FOR SOMETHING COMPLETELY DIFFERENT Film Forum in Camino Theater, USD at 7:30 p.m.

23 OVERCOMING LEGAL BARRIERS & TO INVESTING, WORKING AND 24 EMPLOYING ALIENS IN THE U.S. Conference on Immigration Law and Practice. Begins 9 a.m. both days at Little Westgate. \$165 conference fee includes registration, materials and luncheon.

24 SALVATION FOR THE SOLE PRACTITIONER. Regency Ballroom, Town and Country Hotel and Convention Center.

Pass-Fail System Under Revision

By Rodney Campbell

The Academic Rules Committee is presently considering a possible change in the pass/fail and honors pass/low pass/fail grading system.

Currently the system "Courses designated by the faculty may be graded pass/fail or honors/pass/low pass/fail. Fail is calculated in the student's average as 54, low pass is calculated as the student's average as 67."

This system is being used in a variety of courses including in-house clinics, independent study and certain more traditional courses such as Jurisprudence and Legal Philosophy. Honors/pass, etc. is used only for out of house clinics and in Pre Trial Techniques.

Variety Encouraged

According to some observers, the major advantage in using a pass/fail system in the above courses is that it encourages students to take courses that are outside the normal subject matter presented in law school. Professors have typically experienced problems in setting up a system of grading these courses and it is felt that under a pass/fail approach both the professor and student would be relieved of the pressure of having performance and evaluated numerically.

While the faculty has designated certain numerical equivalents of "fail" and "low pass" which do effect a student's grade point average, they have not established numerical equivalents of "pass" or "honors".

It is believed that such an approach might discourage students with G.P.A. above those specified from taking the course. For example, a student with a G.P.A. of 78 is unlikely to take a pass/fail class in which a "pass" is converted to a 75.

Muti-tier System

Recently a proposal was submitted to the Academic Rules Committee that would allow a professor the option of grading on the two-tier or four-tier system. A "fail" would still be calculated as 54 and a "low pass" as a 67.

However a "pass" would be considered as the equivalent to the student's G.P.A. and an "honors" as five points above the student's G.P.A. This suggestion received support from several of the clinical instructors.

Unfair Advantage Alleged

But upon consideration the Academic Rules Committee rejected the proposal. The committee's position was that it would be unfair to use a system which would allow a student

who did the same amount of work in a course as others to receive a lower grade due to his grade point average.

The Academic Rules Committee has proposed a plan which would allow only a four-tier system to be used in a non graded courses. Under this proposal "honors" and "pass" would not be converted to a numerical score, but "low pass" and "fail" will still convert to a 67 and 54 respectively.

This proposal is pending and no action is expected until later this spring. According to Dean Hain, head of the Academic Rules Committee, student suggestions are welcome, either in the form of properly submitted proposals or through their student representative on the Committee.



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MEN LAW STARS STILL UNBEATEN; WOMEN ROUTE CAL WESTERN

The last time that USD's and Cal Western's Law School Basketball squads collided in early November the result was a one point overtime for USD. Apparently, not much change occurred during the previous three months and Saturday evening USD's law stars narrowly prevailed again over Cal Western, 87-85. This time the game didn't require any extra periods, but, if anything, the contest was more closely disputed than any of the prior meetings between the two schools. Neither team was able to construct more than a seven point lead throughout (USD held that advantage at 42-35) and a preponderance of the game was played with three points or less separating the opponents. The largest crowd to date for this event was treated to several spectacular leaps by centers Jim Huffman (USD) and John Jordan (C-W) and a super shooting display by Wes Pratt (USD) and Roger Haber (C-W).

Huffman and Jordan virtually neutralized each other offensively, both being limited to eight points, but the two post men were still a potent force on the boards, Jordan hauling down a game high eleven rebounds. When either of the teams surged offensively it was generally attributable to one of the "hot hands" on the floor and, on this night, the prolific scorers were Pratt and Haber. While USD had difficulty going inside, Pratt poured in 33 points from everywhere on the court and Haber countered with 34 tallies of his own, primarily on penetration through the lane. Sam Reed also contributed some significant late baskets for USD and finished with 16 points.

Defensively, USD's guards Dave Rosenberg and Jack along with forward Bob Rosemeyer played aggressively and effectively in restricting Cal Western's outside scoring. Foul troubles hampered both squads, particularly USD, which eventually lost three players in the final moments. With 21 seconds remaining, Dave Rosenberg joined Cohen and Rosemeyer on the bench with five personals and USD was forced to finish with just four players. That permitted Cal Western to get off

an undisputed 15 footer, but Dave Rogalski rebounded the errant shot and was immediately fouled. He connected on the initial free throw to give USD its final tow point margin of victory, but the second attempt was negated by a lane violation. The enabled Cal Western one final effort to salvage a tie, but on the ensuing inbounds pass Rogalski blocked the shot cleanly from behind to preserve the win for USD and extend the unbeaten string to four.

In the preliminary contest, USD's women faced Cal Western's basketball coeds for the first time and the home squad simply overwhelmed Cal Western 44-12. The superstar tandem of Ailene Voison and Anne Rudy was unstoppable, Ailene collecting 20 points and Anne adding 14 more to account for most of USD's scoring punch. Many of those baskets were a result of some slick passing by guards Barb Musgrave (4 points) and Kate Kliien. Underneath, Theresa Panik led USD with 12 rebounds (also 4 points) and Cindy Belant contributed a basket to conclude USD's scoring.



Guided by the superb coaching of Mark Speck, the USD Basketball Law Stars once again defeated a strong Cal Western team. Pictured above back row, left to right, Jim Huffman, Mad Jack Cohen, Bobby Rosemeyer, Trainer Annie Rudy, and Dandy Dave Rosenberg. Front, D.B. Rogalski, Sammy Reed, Coach Speck and Wes (Won't Miss) Pratt.



Pictured above is the victorious Law women's team and coaches. Back row, left to right, Cindy (Pinky) Belant, Head Coach Mark Speck, Annie (Run um over) Rudy, Ailene (Hawk-eye) Voison, Trainer Jolly Charlie Hogquist. Front, Unknown Deviant, Barb (Slinky) Musgrave, Kate (Sweetness) Kliien, Teresa (Toothpick) Panek.

NEW ENTRANCE POLICY IN EFFECT

Starting Monday, February 5, student, faculty and alumni I.D.'s must be *presented* and *left* at the front gate prior to entrance into the Sports Center. All I.D.'s will be kept in the Tennis Book and returned upon leaving. The front gate will be covered at all times during the scheduled hours. Exceptions to this procedure are for Sports Center staff and those with business with the Sports Center Office.

If you wish to check out equipment at the equipment room, the front gate personnel will issue you an equipment card. Your I.D. shall be placed in an equipment card slot in the Tennis Book. Upon leaving the Sports Center the equip-

ment card must be returned to the front gate and have been validated (staff signature) by the equipment room personnel. The I.D. card can then be returned to you.

REMEMBER, ALL I.D.'S ARE NOW TO BE KEPT AT THE FRONT GATE. NO I.D., NO ENTRANCE.

This is a new policy and we will attempt to inform all individuals of its existence. Your cooperation with our staff will be appreciated and will smooth over the initial rough spots. This policy is going into effect in order to reserve the Sports Center for use by the University Community individuals *only*, and to reduce the loss of Sports Center equipment.

Basketball Starts Sunday; Baseball Flooded

The law school basketball season opens this Sunday Feb. 11 and once again the league is expanding to accommodate more teams. The A league features seven teams this year and promises to be far more

competitive now that last seasons giants, the Crimson Pirates, have been depleted by graduation and transients. The

B league has burgeoned to 14 teams and will undoubtedly be much more skilled this year, as many teams have beefed up in the law school draft.

Baseball continues to suffer from the winter downpours just as it did during the spring semester of 1978. To date only one Friday was playable; the Runs and Pacers won hand-

ily, the 12 Inch Ballers were upset and the Well Hung Jury was tied by a newcomer, Warm Hands. Should the rains continue to cause cancellations, the league commissioner reports that all 16 teams will be eligible for a single elimination playoff extravaganza. The teams will be seeded according to seasonal records and, in the event of ties, upon past performances.

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